

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION  
MDL 2187**

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|--------------------------|---|-------------------------------|
| <b>HUGHES, et al.</b>    | ) |                               |
|                          | ) |                               |
| <b>Plaintiffs,</b>       | ) |                               |
|                          | ) |                               |
| <b>vs.</b>               | ) | <b>Case No. 2:14-cv-10072</b> |
|                          | ) |                               |
| <b>C.R. BARD, et al.</b> | ) |                               |
|                          | ) |                               |
| <b>Defendants.</b>       | ) |                               |

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**MOTION TO SUBSTITUTE PLAINTIFF**

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**COMES NOW** Cassondra Hughes, daughter of Lisa Hughes, deceased, with this Motion to Substitute Plaintiff pursuant to Fed. R. Civ. P. 25(a)(1). In support of this Motion, Cassondra Hughes states as follows:

1. Pursuant to the Stipulated and Agreed Order Regarding Delayed Filing in MDL 2187 [Pretrial Order #80], Plaintiff Lisa Hughes served her Complaint on Defendants C.R. Bard (“Bard”) and Tissue Science Laboratories Limited (“TSL”) on July 9, 2013.
2. Lisa Hughes died on December 30, 2013 in Madison County, Indiana.
3. Cassondra Hughes filed, concurrently with this Motion, a Notice of Suggestion of Death of Plaintiff pursuant to Fed. R. Civ. P. 25(a)(1) which was served on all parties and non-party successors in interest pursuant to Fed. R. Civ. P. 25(a)(3).
4. Cassondra Hughes was appointed Personal Representative of Lisa Hughes’ Estate on May 9, 2014 in Madison County, Indiana. Letters of Administration are attached as Exhibit 1 to this Motion.

5. Lisa Hughes' claim has not been extinguished under Indiana's State Survivorship Statue, Ind. Code § 34-9-3-4. Indiana's Survivorship Statute states that where "a person: (1) receives personal injuries caused by the wrongful act or omission of another; and (2) subsequently dies from causes other than those personal injuries. . . . [t]he personal representative of the decedent who was injured may maintain an action against the wrongdoer to recover all damages resulting before the date of death from those injuries that the decedent would have been entitled to recover had the decedent lived." Ind. Code § 34-9-3-4(a)-(b).
6. Cassondra Hughes is the proper party to be substituted as plaintiff in this action because she has been appointed as the personal representative of Lisa Hughes' Estate and "[t]he personal representative of the decedent" is the person who "may maintain an action against the wrongdoer to recover all damages resulting before the date of death from those injuries." Ind. Code § 34-9-3-4 (b).
7. **WHEREFORE**, Cassondra Hughes respectfully requests that this Court grant this Motion to Substitute Plaintiff and substitute Cassondra Hughes as the Plaintiff in this case.

Dated this 9<sup>th</sup> day of May, 2014

Respectfully submitted,

/s/ J. Gerard Stranch, IV  
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*Counsel for Cassondra Hughes*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 9th, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

I hereby certify that a true and correct copy of the foregoing has been forwarded via U. S. Mail to the following addresses:

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Teela Adkins  
PO Box 327  
Windfall, IN 46076

Joshua Shipp  
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Alexandria, IN 46001

*Heirs and Successors in Interest to Lisa Hughes*

/s/ J. Gerard Stranch, IV  
J. Gerard Stranch, IV